

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>COREY JACK PACEWICZ, SR.</b>	:	<b>No. 3:24cv1294</b>
<b>Plaintiff</b>	:	
	:	<b>(Judge Munley)</b>
<b>v.</b>	:	
	:	<b>(Magistrate Judge Schwab)</b>
<b>VISION PROPERTY MANAGEMENT</b>	:	
<b>a/k/a KAJA HOLDINGS,</b>	:	
<b>Defendant</b>	:	

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**ORDER**

Presently before the court is the Report and Recommendation (“R&R”) of Magistrate Judge Susan E. Schwab recommending that this case be dismissed after screening Plaintiff Corey Jack Pacewicz Sr.’s *pro se* complaint pursuant to 28 U.S.C. § 1915(e)(2). (Doc. 8). No objections to the R&R have been filed and the time for such filing has passed.

In deciding whether to adopt the report and recommendation when no timely objection is filed, the court must determine if a review of the record evidences plain error or manifest injustice. FED. R. CIV. P. 72(b), 1983 Advisory Committee Notes (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record to accept the recommendation”); see also 28 U.S.C. § 636(b)(1); Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983).

After a careful review, Magistrate Judge Schwab cogently addressed a critical issue with plaintiff's complaint, that is, he filed suit against a limited liability company pursuant to 42 U.S.C. § 1983 ("Section 1983") without alleging that the defendant was acting under the color of state law. (Doc. 8 at p. 7-9).

Additionally, the court agrees with the magistrate judge's recommendation that leave to amend should not be granted, i.e., no basis exists to reasonably conclude that plaintiff could allege facts suggesting that the defendant was acting under color of state law. (Id. at 10). The court thus finds neither clear error on the face of the record nor a manifest injustice, and therefore, the court shall accept the R&R and adopt it in its entirety. It is hereby **ORDERED** as follows:

- 1) The R&R (Doc. 8) is **ADOPTED** in its entirety;
- 2) Plaintiff's action is **DISMISSED**; and
- 3) The Clerk of Court is directed to close this case.

Date: 11/12/24

BY THE COURT:

  
JUDGE JULIA K. MUNLEY  
United States District Court